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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA 18-CR-6094(G)
vs.
CARLOS FIGUEROA, XAVIER TORRES, Rochester, New York
AND JEAN KARLOS PIZZARO, September 10, 2020
Defendants. 10:16 a.m.
- - - - -X

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE FRANK P. GERACI, JR.
UNITED STATES DISTRICT JUDGE

JAMES P. KENNEDY, JR., ESQ.
United States Attorney
BY: KATYLYN HARTFORD, ESQ.
CASSIE M. KOCHER, ESQ.
ROBERT MARANGOLA, ESQ.
Assistant United States Attorneys
500 Federal Building
Rochester, New York 14614
Appearing on behalf of the United States

MAURICE J. VERRILLO, ESQ.
Appearing on behalf of Xavier Torres

MATTHEW LEMBKE, ESQ.
Appearing on behalf of Jean Karlos Pizzaro

PAUL VACCA, ESQ.
Appearing on behalf of Carlos Figueroa

ALSO PRESENT: Nicolas Penchaszadeh, Spanish Interpreter
Jesus Barberia, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)
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P R O C E E D I N G S

* * *

(WHEREUPON, Carlos Javier Figueroa and Xavier Torres are present in court; Jean Karlos Pizzaro is on the phone).

THE CLERK: This is 18-CR-6094, USA vs. Carlos Javier Figueroa and others.

Paul Vacca is here for defendant Carlos Figueroa. Rob Marangola and Cassie Kocher are here for the Government.

MR. MARANGOLA: Ms. Hartford as well.

THE CLERK: Nicholas Penchasadeh is here for the defendant as an interpreter.

Maurice Verrillo is here for Xavier Torres.

Matt Lembke is here for defendant on the phone Jean Karlos Pizzaro.

Jesus Barberia is here to interpret.

We're here for status.

THE COURT: Are you Carlos Figueroa?

DEFENDANT FIGUEROA: Yes.

THE COURT: He's present. Are you Xavier Torres?

DEFENDANT TORRES: Yup.

THE COURT: Are you Jean Karlos Pizzaro?

DEFENDANT PIZZARO: Yes, Your Honor.

THE COURT: This was on for status. We have set a

1 jury trial date of January 4th, '21.

2 The parties indicated that the trial could take up
3 to four months. We're blocking off that time period.

4 Mr. Marangola?

02:14:03PM

5 **MR. MARANGOLA:** Judge, the Court I think had set
6 today's appearance to give the parties one final opportunity
7 to attempt to engage in plea negotiations.

02:14:20PM

8 And I think we had advised the Court at our last
9 proceeding we intended to -- we were continuing with the grand
10 jury investigation, and that we were looking toward a final
11 superseding indictment.

02:14:37PM

12 I can tell the Court that since our last appearance
13 I've had numerous conversations with each of the three
14 attorneys representing the remaining defendants in this case,
15 and at this point it does not look like we are going to have
16 any further pleas from these defendants.

02:14:58PM

17 I can tell the Court also that we have continued
18 the grand jury presentations and that we expect probably in
19 the next couple of weeks that we'll have a superseding
20 indictment, which will still be obviously quite ways away
21 from the actual trial date, but at least as of right now we do
22 not anticipate adding any new defendants and that it will just
23 be limited to the three people that are currently before the
24 Court.

02:15:16PM

25 **THE COURT:** Do you anticipate additional charges or

1 what?

2 **MR. MARANGOLA:** Yes, yes, we anticipate -- and I
3 can't of course say finally what they ultimately will be, but
4 we anticipate at least another firearms related offense and
02:15:29PM 5 two -- potentially two homicide charges. Those will be four
6 murders that were committed during the charged conspiracy.

7 **THE COURT:** Okay, thank you.

8 Mr. Vacca, is what Mr. Marangola said correct and
9 Mr. Figueroa is not interested in any disposition?

02:15:50PM 10 **MR. VACCA:** That is correct, Your Honor. I've
11 spoken to my client on a number of occasions. I've spoken to
12 Mr. Marangola, and my client steadfastly maintains his
13 innocence.

14 **THE COURT:** Mr. Verrillo, is it the same way with
02:16:03PM 15 Mr. Torres?

16 **MR. VERRILLO:** Yes, Your Honor. I've had extensive
17 discussions with my client about the situation and we wish to
18 proceed with trial.

19 **THE COURT:** Okay. And, Mr. Lembke, regarding
02:16:13PM 20 Mr. Pizzaro?

21 **MR. LEMBKE:** Yes, Your Honor.

22 **THE COURT:** Okay, great. Then the trial date will
23 remain January 4th, '21. We'll take no dispositions then from
24 this day forward.

02:16:24PM 25 We'll put the matter on for pretrial conference on

1 November 13th, 2 p.m.

2 **MR. VACCA:** What day, Judge?

3 **THE COURT:** November 13th, 2 p.m.

4 **MR. VACCA:** Judge, I start a month long murder trial
02:16:42PM 5 before Justice Sinclair in Supreme Court on the 2nd of
6 November and it's expected to go for three weeks or four
7 weeks.

8 **THE COURT:** All day?

9 **MR. VACCA:** Well, on Tuesdays in the morning. At
02:16:54PM 10 least on Tuesday she's off.

11 **THE COURT:** Okay. We'll have you come in on
12 Tuesday. Tuesday, November 12th, 11 a.m. pretrial conference.

13 **MR. MARANGOLA:** Judge, I have Tuesday,
14 November 10th.

02:17:08PM 15 **THE COURT:** 10th, I'm sorry.

16 **MR. VACCA:** November 10th?

17 **THE COURT:** 10th.

18 **MR. LEMBKE** Judge, hold on before we set that. I am
19 scheduled to start trial in Buffalo before Judge Sinatra on
02:17:22PM 20 Monday the 2nd. And the trial I expect to take one week and
21 if it holds over for, you know, jury deliberations, it could
22 lead into the 10th.

23 **THE COURT:** Okay, we'll leave it on the 10th for
24 now. Obviously things happen, I understand if we need to
02:17:39PM 25 move it. There's plenty of time between then and the trial

1 date, but I want to have the pretrial conference sufficient
2 time in advance in case there are any issues that need to be
3 dealt with for all the counsel. We can be flexible.

4 **MR. LEMBKE:** I understand.

02:17:54PM 5 **MR. VACCA:** What time again, Judge?

6 **THE COURT:** November 10th, 11 a.m.

7 **MR. VACCA:** Thank you.

8 **THE COURT:** Okay, great. Thank you.

9 **MR. MARANGOLA:** Thank you, Judge.

02:18:03PM 10 **MR. VACCA:** Thank you.

11 **MR. LEMBKE** thank you.

12 (WHEREUPON, proceedings adjourned at 2:18 p.m.)

13 * * *

14 **CERTIFICATE OF REPORTER**

15

16 In accordance with 28, U.S.C., 753(b), I certify that
17 these original notes are a true and correct record of
18 proceedings in the United States District Court for the
19 Western District of New York before the Honorable Frank P.
20 Geraci, Jr. on September 10th, 2020.

21

22 S/ Christi A. Macri

23 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)
24 Official Court Reporter

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